

**Amendments to the Claims**

This listing of claims will replace all prior versions, and listings, of the claims in the application:

**Listing of Claims**

1. (currently amended) A network-based server code auto upgrade method for use on a network system linked to a cluster of servers of the same type for upgrading the current version of server code in each of the servers to a new version of server code;

the network-based server code auto upgrade method comprising:

linking an upgrade code storage module for storing the new version of server code via the network system to each of the servers;

inspecting the current version of server code installed in each of the servers via the network system;

comparing the current version of server code installed in each of the servers against the new version of the new server code stored in the upgrade code storage module;

in the event that the current version of server code installed in any one of the servers is older than the new version of the new server code, performing a remote upgrade procedure on that server via the network system to replace the current version of server code in that server with the new version of server code at a user-specified time.

2. (currently amended) The network-based server code auto upgrade method of claim 1, wherein the network system is selected from the group ~~comprising:~~ consisting of intranet, extranet, and Internet.

3. (currently amended) The network-based server code auto upgrade method of claim 1, wherein the servers are selected from the group ~~of types comprising:~~ consisting of file servers[.]~~and~~ data storage servers, ~~email~~ servers, and proxy servers.

4. (currently amended) The network-based server code auto upgrade method of claim 1, wherein the upgrade code storage module is selected from the group consisting of a hard disk module and a flash memory module and, the new version of server code is selected from the group ~~comprising:~~ consisting of BIOS, firmware control code, and server management programs, embedded operating system, and application programs.

5. (cancelled)

6. (currently amended) A network-based server code auto upgrade system for use with a network system linked to a cluster of servers of the same type for upgrading the current version of server code in each of the servers to a new version of server code;

the network-based server code auto upgrade system comprising:

an upgrade code storage module for storing the new version of server code, the upgrade code storage module being either one of a hard disk module and a flash memory module;

a network interface module for linking ~~via the network system~~ to each of the servers to the network system;

a version inspection module for inspecting the current version of server code installed in each of the servers through the network interface module and via the network system;

a version comparison module, which is capable of comparing the current version of server code installed in each of the servers against the new version of ~~the new-~~ server code stored in the upgrade code storage module, and which is capable of issuing an upgrade-enable message if the current version of server code installed in any one of the servers is older than the new version of ~~the new-~~ server code stored in the upgrade code storage module; and

a remote upgrade module, which is capable of being activated in response to the upgrade-enable message from the version comparison module to perform a remote upgrade procedure on that server via the network system to replace the current version of server code in that server with the new version of server code stored in the upgrade code storage module; and

an upgrade time setting module for user to specify for the remote upgrade module to perform the remote upgrade procedure at a user-specified time.

7. (currently amended) The network-based server code auto upgrade system of claim 6, wherein the network system is selected from the group ~~comprising:~~ consisting of intranet, extranet, and Internet.

8. (currently amended) The network-based server code auto upgrade system of claim 6, wherein the servers are selected from the group ~~of types comprising:~~ consisting of file servers[[],] and data storage servers, ~~email servers, and proxy servers.~~

9. (currently amended) The network-based server code auto upgrade system of claim 6, wherein the new version of server code is selected from the group ~~comprising:~~ consisting of BIOS, firmware control code, and server management programs, embedded operating system, and application programs.

10. (cancelled)